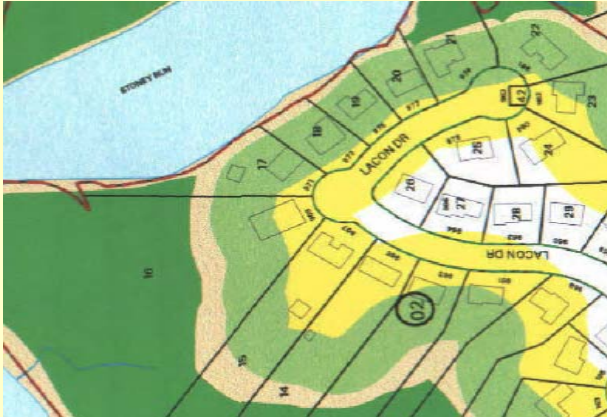


Chesapeake Bay Preservation Act Phase III Program Overview

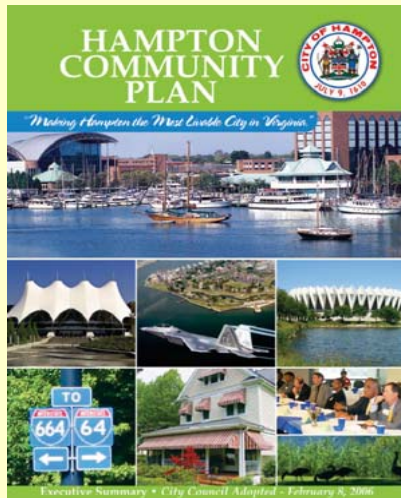
December 17, 2007



Phases of Local Government Chesapeake Bay Program Implementation



- **Phase I:** Mapping of Chesapeake Bay Preservation Areas and adoption of management program in local ordinances
- **Phase II:** Adoption of Comprehensive Plan components
- **Phase III:** Review & revision of local codes for inclusion of specific standards that implement the water quality performance criteria



Phase III Legal Authority

Chesapeake Bay Preservation Area Designation and Management Regulations

9 VAC 10-20-231.3:

"Phase III shall consist of **local governments reviewing and revising their land development regulations and processes**, which include but are not limited to zoning ordinances, subdivision ordinances, erosion and sediment control ordinances and the plan of development review process, as necessary to comply with § 10.1-2109 of the Act and to be consistent with the provisions set forth in Part VI of this chapter."



Phase III Advisory Committee

- Convened in September 2007 to provide guidance on Phase III program development. Met monthly.
- Provided specific suggestions on approach and content of Phase III review process/strategy
- Recommended opportunities/venues for CBLA staff to spread the word and seek input about Phase III
- Provided guidance on schedule



Phase III Advisory Committee Membership

Planning District

Locality Represented

Northern Virginia:

Luis Araya, Arlington County

George Washington:

Amber Forestier & Mike Zuraf
Stafford County

Northern Neck:

Chris Jett, Richmond County

Middle Peninsula:

Sharon Williams, Mathews County

Crater:

Victor Liu, PDC Representative

Richmond:

Joe Feest, Chesterfield

Northern Hampton Roads:

Darryl Cook, James City County

Southern Hampton Roads:

Clay Bernick, Virginia Beach

Accomack-Northampton:

Melissa Kellam, Northampton County

Local Government Phase III Requirements

1. Six specific provisions are required to be in local land development ordinances
2. Provisions to address the three general performance criteria must be incorporated into local land development ordinances

To accomplish the above, localities must:

- a. Undertake an ordinance review process to ensure that provisions are in place
- b. Revise ordinances if such provisions are not in place

Phase III Components

Specific Provisions

I. CBPA Land Development Ordinance Requirements

Sections 9 VAC 10-20-191 A 4 & 5 of the Regulations

Ordinances must require plats and plans to have the following:

1. a depiction of the Resource Protection Area and Resource Management Area boundaries
2. a notation for the requirement to retain an undisturbed and vegetated 100-foot wide buffer area
3. a notation regarding the requirement for pump-out for on-site sewage treatment systems
4. a notation regarding the requirement for 100% reserve drainfield
5. a notation that development in the RPA is limited to water dependent facilities or redevelopment
6. a delineation of the buildable areas on each lot

Phase III Components

General Performance Criteria

II. Evaluation of Water Quality Protection in Land Development Ordinances

Review local land development ordinances for specific development standards that implement the general performance criteria in the Regulations.

A checklist will be used to identify ordinance provisions and a minimum threshold established for inclusion of to meet general performance criteria.

Sections 9 VAC 10-20-191 A 2 and B 2 of the Regulations

General Performance Criteria (9 VAC 10-20-120 1, 2 and 5)

- Minimize impervious cover
- Minimize land disturbance
- Protect indigenous vegetation

Phase III Components

General Performance Criteria cont'd

Minimize Land Disturbance – 57 questions

- Open Space Requirements
- Clearing and Grading Requirements
- Utility and Easement Requirements
- Low Impact Development Concepts
- Better Site Design Concepts

Preserve Indigenous Vegetation – 35 questions

- Sensitive Land Protection/Preservation
- Vegetation and Tree Protection Requirements
- Better Site Design Concepts

Minimize Impervious Cover – 45 questions

- Parking Requirements
- Low Impact Development Concepts
- Redevelopment and Infill Development Concepts
- Road Design Requirements
- Pedestrian Pathways and Driveways



Phase III Local Review Process

1. Philosophy: A cooperative approach, with some components of a self assessment
2. Locality will be asked to provide copies of all relevant ordinances and related documents
3. Locality & DCR-CBLA staff will complete the checklist by reviewing local ordinances and documents.
4. If deficiencies are found, locality will be given time to address the issues.
5. An opportunity for an advisory review will be available prior to formal review
6. Review process with Board and locality notification, etc. to pattern after Compliance Review process

Phase III Schedule*

- Sept - Nov. 2007: Development of Checklist questions and Local government review approach with Advisory Committee
- Nov. 27, 2007: Update provided to CBLAB Policy Committee
- Nov/Dec 2007: Meeting with locality staff at PDC's
- Dec. 10, 2007: Update provided to CBLAB (Board)
- Dec. 2008: Draft checklist available for comment
- Dec-Feb 2008: Test checklist on local programs – modify as needed
- Feb/March 2008: CBLAB adoption of Phase III review process and review materials, and locality deadlines
- April 2008: Official Notification to Localities; Initiate Advisory Reviews
- January 2010: Begin Formal Reviews
- Ongoing: Local Government Outreach

***Schedule as proposed is subject to change**

What's Next?

- CBLA staff to continue with discussions with local government staff and request comment
- Continuously revise Checklists and program design based on comments received
- Dec. 10, 2007 – Informational Presentation to Chesapeake Bay Local Assistance Board
- December 2008 – Distribute draft checklists to local governments for comment
- March 2008 – Target Date for program adoption

Outreach Process Elements

Planning District Commission Meetings with Local Gov't Staff

- Accomack and Northampton counties: Nov. 29, 2007
- Crater PDC: December 14, 2007
- GWRC Area Localities: Dec. 11, 2007
- Hampton Roads PDC: June/December 13, 2007
- Middle Peninsula PDC: November 28, 2007
- Northern Neck PDC: December 3, 2007
- Northern VA Regional Commission: November 29, 2007
- Richmond Regional PDC: October 23, 2007

Jan/Feb/March 2008:

- Continuation of locality discussions
- VML/VACO
- VAPA and other professional organizations
- Advocacy Groups